

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rule making related to licensing regulation, fees, veterans and military spouses and providing an opportunity for public comment

The Public Health Department hereby proposes to amend Chapter 131, “Emergency Medical Services—Providers—Initial Certification—Renewal and Reactivation—Authority—Complaints and Investigations,” and Chapter 196, “Military Service, Veteran Reciprocity, and Spouses of Active Duty Service Members,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapters 147A and 272C and 2022 Iowa Acts, Senate File 2383.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

Purpose and Summary

This proposed rule making implements the licensure-related provisions of 2022 Iowa Acts, Senate File 2383, by revising the requirements for licensure by verification and updating the requirements and parameters of licensure for veterans and their spouses.

Fiscal Impact

This rule making will have limited fiscal impact. The provisions of the rule making will waive the initial application and renewal fees for veterans who were honorably or generally discharged within the previous five years. However, the overall number of applications that meet the criteria is low.

Jobs Impact

After analysis and review of this rule making, there may be a positive impact on jobs since it would streamline and remove some of the requirements related to licensure by verification. Additionally, it would clearly provide an alternative pathway to licensure of spouses of veterans when moving to Iowa.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver provisions contained in 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 28, 2023. Comments should be directed to:

Margot McComas
Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: margot.mccomas@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 131.3(6) as follows:

131.3(6) Fees may be waived in accordance with provisions in Iowa Code chapter 272C for individuals demonstrating ~~income~~ the following:

a. Income that does not exceed 200 percent of the federal poverty level;

b. Initial licensing fees and one renewal fee for an applicant who has been honorably or generally discharged from federal active duty or national guard duty, as those terms are defined in Iowa Code section 29A.1, who would otherwise be charged within five years of the discharge.

ITEM 2. Amend subrules 196.3(3) to 196.3(6) as follows:

196.3(3) Upon receipt of a fully completed licensure application, the licensing authority shall promptly determine if the ~~professional or occupational licensing requirements~~ scope of practice of the jurisdiction where the veteran or spouse is licensed ~~are~~ is substantially equivalent to the ~~licensing requirements~~ scope of practice in Iowa. The licensing authority shall make this determination based on information supplied by the applicant and such additional information as the licensing authority may acquire from the applicable jurisdiction. ~~As relevant to the license at issue, the licensing authority may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, experience, and examinations required for licensure.~~

196.3(4) The licensing authority shall promptly grant a license to the veteran or spouse if the applicant is licensed in the same or similar profession in another jurisdiction whose ~~licensure requirements are~~ scope of practice is substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant’s disciplinary or criminal background.

196.3(5) If the licensing authority determines that the ~~licensure requirements~~ scope of practice in the jurisdiction in which the veteran or spouse is licensed ~~are~~ is not substantially equivalent to ~~those required~~ the scope of practice in Iowa, the licensing authority shall promptly inform the applicant of the additional ~~experience, education, or examinations~~ training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, or the issuance of a ~~provisional~~ temporary license is inconsistent with the licensing authority’s enabling statute, the following shall apply:

a. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a ~~provisional~~ temporary license but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements.

b. If additional ~~experience or education~~ or training is required for the applicant’s qualifications to be considered substantially equivalent, the applicant may request that the licensing authority issue a ~~provisional~~ temporary license for a specified period of time during which the applicant will successfully complete the necessary ~~experience or education~~ or training. The licensing authority shall issue a

~~provisional~~ temporary license for a specified period of time upon such conditions as the licensing authority deems reasonably necessary to protect the health, welfare or safety of the public unless the licensing authority determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a ~~provisional~~ temporary license is granted.

c. If a request for a ~~provisional~~ temporary license is denied, the licensing authority shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a ~~provisional~~ temporary license.

d. If a ~~provisional~~ temporary license is issued, the application for full licensure shall be placed in pending status until the necessary ~~experience or~~ education or training has been successfully completed or the ~~provisional~~ temporary license expires, whichever occurs first. The licensing authority may extend a ~~provisional~~ temporary license on a case-by-case basis for good cause.

196.3(6) A veteran or spouse who is aggrieved by the licensing authority's decision to deny an application for a reciprocal license or a ~~provisional~~ temporary license or is aggrieved by the terms under which a ~~provisional~~ temporary license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the licensing authority's decision. The provisions of 641—Chapter 173 shall apply, except that no fees or costs shall be assessed against the applicant in connection with a contested case conducted pursuant to this subrule.